

REMARKS

Claims 1-25 and 27-30 are pending in this application.

Objection to the Abstract

The Examiner has objected to the Abstract because it is too lengthy. It has been amended to about 125 words.

Information Disclosure Statement

The Examiner has indicated that in the Information Disclosure Statement there are 3 pages of references which have not been considered (C2-C26) because the references were not received. The IDS was resubmitted by CD ROM. It should be on the system.

Provisional Rejection of Claims 1-25 and 27-30 for Double Patenting

The Examiner has rejected claims 1-25 and 27-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of US 6,275,831; claims 1-18 of US 6,915,312; and claims 1-30 of US 6,295,541. This application has a filing date of September 4, 1997. The issued patents are all later filed. The '831 and '541 patents issued while this case was on appeal. The '312 patent issued while this case was awaiting a first office action after a petition and RCE to consider references that came to light during litigation that proceeded while this case was on appeal.

The Examiner's analysis does not establish a *prima facie* case of obviousness-type double patenting, because it does not follow the procedure required by law to analyze the issue. This is an arcane area of law, so we looked for a good explanation and demonstration of how to perform the required analysis. One illustrative case is attached.

It is unfortunate that the doctrine is called "obviousness-type" double patenting, because the name tends to mislead examiners into following their typical section 103 type analysis. A crucial difference is that the analysis compares one previously issued claim to one pending claim. MPEP § 804 (II)(B)(1) at 800-21 (Rev. 5 Aug. 2006). Neither references nor claims are combined for comparison to the pending claim: the analysis is one issued claim to one pending claim. Art references have limited use, not

to be combined with the reference, but to show what is an obvious variation on or qualitative equivalent to the issued claim. This obvious variation analysis is more like determining inherency for anticipation or to section 112(6) analysis of structural equivalents than it is like section 103 obviousness. The obviousness-type double patenting rejection is a much narrower ground for rejection than section 103 obviousness.

We attach the illustrative case of *Engineered Prods. v. Donaldson Co.*, 225 F.Supp.2d 1069 (N.D. Iowa 2002) *aff'd in part, rev'd in part, vacated in part and remanded*, 147 Fed.Appx 979 (Fed. Cir. Aug. 31, 2005). This case is not controlling precedent, as the Federal Circuit rejected the double patenting defense on different grounds than the District Court and did not authorized publication of its opinion. Nonetheless, the District Court's published opinion is instructive because the judge discussed thoughtfully most of the cases cited in the MPEP plus a few others and followed conscientiously the specified analysis for obviousness-type double patenting. He addressed several issues about which the MPEP is silent.

Where the MPEP § 804 requires the Examiner to "make clear ... [t]he differences between the inventions defined by the conflicting claims – a claim in the patent compared to a patent in the claimed invention", the judge in *Engineered Prods.* did this with a side-by-side comparison. *Id.*, 225 F.Supp.2d at 1094-1100.

The judge in *Engineered Prods.* rejected using prior art references (or other patents) in combination with the base claim. *Id.*, at 1120-23. He explained the role of multiple references for obviousness-type double patenting analysis in these words:

the court's consideration of the import of the "prior art" in *In re Longi* "start[ed] by examining the claims of the [earlier] patent, and by assessing the prior art references in order to ascertain whether the PTO made out a prima facie case of obviousness" of the application claims *in light of the earlier patent and the prior art*. *Id.* at 895-96. *Consequently, the "prior art" was considered in the context of obviousness-type double patenting to determine whether it was a sort of bridge or connection between the **claims** of the earlier patent and the **claims** of the application, for one of ordinary skill in the art, to see if it demonstrated that the later application was **only an "obvious variation"** of the claims of the earlier patent. See *Eli Lilly*, 251 F.3d at 969 (obviousness-type double patenting determines whether "[any] difference renders the claims patentably distinct"); *In re Goodman*, 11 F.3d at 1052 (because the claimed inventions were not identical in scope, the court was required to determine, at the second step of the analysis, whether*

the differences defined only an "obvious variation" or a "patentable distinction"). To put it another way, the prior art was used to determine whether the earlier and later patents "obviously" claimed the same thing. In the context of obviousness-type double patenting, the "prior art" was *not* considered as rendering the application claims "obvious" without regard to the earlier patent that purportedly established obviousness-type double patenting. *In re Longi*, 759 F.2d at 895-96 (emphasizing, instead, that "a double patenting rejection presupposes a[n] [earlier] patent"). Moreover, it appears that, in *In re Longi*, what the prior art "taught" was drawn primarily from what was *claimed* in the prior art patents, not just the structures present in embodiments of the invention. *Id.* at 896.

Id., at 1122 (*italics* and ***bold facing*** in opinion). The judge found the defendant's analysis lacking for any attempt to demonstrate how the prior art would provide a bridge from the claims of the earlier patent to the later claims, by demonstrating, for a person of ordinary skill in the art, that the later claims are only an "obvious variation" of, or "obviously" claiming essentially the same thing, as the earlier patent. *Id.* at 1123.

The judge struggled with a "composite invention" approach to the claims of the issued patent and pending application. *Id.* at 1113-14. At length, he held that any "patently distinct dependent claim would save from invalidation not only itself, but also the independent claim from which the patently distinct dependent claim depends, even if the independent claim ... is not patentably distinct by itself." *Id.* at 1115.

It is clear that the motivation to combine test has no application to obviousness-type double patenting analysis (*id.* at 1121-23), because an obviousness-type double patenting rejection cannot be based on combining claims from two different patents.

A two-way test applies in this case, requiring identity of claims to support a rejection and not allowing a rejection based on dominating claims in either the later filed, now issued patents or the earlier filed application. Whether a one-way or two-way test applies depends largely on whether the rate of progress of the application through the PTO was within the applicant's control or orchestrated by the applicant. *Id.* at 1103, *citing In re Goodman*, 11 F.3d 1046, 1053 (Fed. Cir. 1993) and *In re Bratt*, 937 F.2d 589, 593 (Fed. Cir. 1991); *see*, MPEP § 804 at 800-22 to -24. In this case, two of the patents cited issued while this application was on appeal and before ownership merged, so the applicants had no control over relative progress of the cases through the PTO. The third patent issued while waiting for a first office action after appeal, because art produced during litigation was submitted with a petition and RCE after appeal. The

litigation arose while this application was on appeal. The long wait for a first office action was not within applicants' control. Another circumstance that the MPEP suggests considering is whether the applicants could have included all of the claims in a single application. In this case, the inventors were working for separate companies at the time the applications were filed. The companies merged years after the applications were filed, on March 30, 2003, while this case was on appeal. The press release of March 31st regarding the merger is available at

[http://www.intellisync.com/pages/Company/Press-](http://www.intellisync.com/pages/Company/Press-Releases/index.cfm?mode=one&objectId=CE132427-F1F6-D012-C6B1C19A9ACC0444)

[Releases/index.cfm?mode=one&objectId=CE132427-F1F6-D012-](http://www.intellisync.com/pages/Company/Press-Releases/index.cfm?mode=one&objectId=CE132427-F1F6-D012-C6B1C19A9ACC0444)

[C6B1C19A9ACC0444](http://www.intellisync.com/pages/Company/Press-Releases/index.cfm?mode=one&objectId=CE132427-F1F6-D012-C6B1C19A9ACC0444). One corresponding SEC filing of April 11th is available at

<http://edgar.sec.gov/Archives/edgar/data/1020716/000101287003001707/0001012870-03-001707.txt>. Therefore, under these circumstances, a two way-test applies.

Applying the two-way test, an earlier filed generic claim survives double patenting analysis, even if a species claim that would anticipate the generic claim already has issued. The *Engineering Prods.* decision quotes the Federal Circuit, from *In re Berg*, 14 F.3d 1428, 1432 (Fed. Cir. 1998) (citations omitted) as follows:

Under [a one-way] test, the examiner [or court] asks whether the application claims [or claims of the later-issued patent] are obvious over the patent claims [or claims of the earlier-issued patent].... Under the two-way test, the examiner [or court] also asks whether the [earlier-issued] patent claims are obvious over the application [or later-issued patent] claims. Thus, when the two-way test applies, some claims may be allowed that would have been rejected under the one-way test.

Engineering Prods., *supra*, 225 F.Supp.2d at 1101.

With the correct legal standard in mind, which cannot be found in the MPEP or without reading some court cases, it becomes clear that the Examiner erred and did not follow the steps needed to establish a *prima facie* case. First, the Examiner did not perform a side-by-side comparison of any one issued patent claim with one application claim. Second, the Examiner did not rigorously identify differences in wording or concept between issued and application claims. Third, the Examiner combined steps 1-39 of the '831 patent with claims 1-18 of the '312 patent with claims 1-30 of the '541 patent (OA at 7-8), which is not allowed because obviousness-type double patenting must be based on claims from a single patent. Fourth, the Examiner used a motivation

to combine rationale instead of explaining, for each difference between issued and application claims why the person of ordinary skill would consider the difference to be an obvious variation or to be claiming essentially the same thing. Fifth, there is no analysis recognizable as applying the two-way test and no mention of the two-way test in the office action. See, OA at 7-8. Sixth, the Examiner assumed that dependent claims would fall if the independent claims fell (OA at 8), did not separately analyze them, and did not take into account that the dependent claims could rescue the independent claims from a non-statutory double patenting rejection. In other words, none of the Examiner's analysis applied the correct legal standard or process for establishing a *prima facie* case of non-statutory, so-called obviousness-type double patenting.

The Examiner's procedural error cannot be overcome by rewriting the rejection. A side-by-side comparison of '831 claim 1 and application claim 1 illustrates that the application is not vulnerable to an obviousness-type double patenting rejection:

'831 claim 1:	This application claim 1:
1. In a data processing environment, a method for synchronizing multiple data sets, the method comprising:	1. (previously presented) In a system providing one dataset in communication with another dataset, a method for synchronizing datasets comprising:
establishing a data repository for facilitating synchronization of user information maintained among multiple data sets, said data repository storing user information from the data sets;	receiving a request specifying synchronization of information records of a source dataset residing on a first device with information records of a target dataset residing on a second device;
storing at least one mapping which specifies how user information may be transformed for storage at a given data set;	determining a synchronization set by:
receiving a request for synchronizing at least one data set;	(i) determining which, if any, information records have been previously transmitted to the target dataset but no longer exists at the source dataset, and

based on user information stored at said at least one data set and based on said at least one mapping, propagating to the data repository from each of said at least one data set any changes made to the user information, to the extent that such changes can be reconciled with user information already present at said data repository; and	(ii) determining which, if any, information records have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset,
based on user information stored at said data repository and based on said at least one mapping, propagating to each of said at least one data set any changes to the user information which have been propagated to the data repository, to the extent that such changes are not present at said each data set;	wherein each information record of the source dataset is assigned a globally unique identifier that is independent of either of the devices, for identifying said each information record at both the source dataset and the target dataset, said globally unique identifier being maintained in a device-independent record map that allows the globally unique identifier to be traced back to a specific information record regardless of which device the specific information record resides; and
wherein a particular one of the data sets resides on a client device which is intermittently connected, and wherein said steps of propagating are deferred for the particular data set until the client device is actually connected.	based on said synchronization set, synchronizing information records of the source dataset with information records of the target dataset by:
	(i) using said globally unique identifiers, deleting from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset, and
	(ii) using said globally unique identifiers, updating the target dataset so that said target dataset includes those information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset.

None of the words are close. The words of '831 claim 1 cannot even be aligned with this application's claim 1. There is no possibility that one of skill in the art would consider the words of the application claim to be an obvious variation on the words of the '831 patent claim 1, and vice-a-versa. Many dependent claims, such as claim 17, are available to save the independent claims.

For these reasons, the obviousness-type double patenting rejection should be withdrawn.

Rejection Under 35 U.S.C. § 103(a) of Claims 1-25 and 27-30

The Examiner rejects **claims 1-25 and 27-30** under 35 U.S.C. § 103(a) as unpatentable over Crozier US Patent No. 5,701,423 in view of Norin et al. US Patent No. 5,794,253.

Claim 1

Claim 1 includes limitations set out in the table above. These limitations are not found in Crozier in view of Norin.

Crozier does not resemble the claimed method in any of its teachings about dynamically reconciling records and resolving conflicts, once the method proceeds beyond receiving a synchronization request. For instance, Crozier does not determine a synchronization set before synchronizing (or reconciling) information records.

TABLE 3

Pseudocode for Reconciliation of Data for DATA 109
Application (occurs for each record during Translation, Step
105-108 in TABLE 2)

101	<i>Query desktop application for existence of handheld record key in desktop database</i>
102	IF there is a desktop record with the same key
103	DO UNTIL all fields in the handheld record are checked (based on mapping)
	BEGIN
104	IF the handheld and desktop fields are unequal
105	Ask user to pick the handheld field, the desktop field, or wishes to change the handheld data and use the changed data
106	IF user wishes to change the handheld data
107	Update handheld field with changes
108	ELSE IF user selects handheld data
109	Update desktop field with handheld data
110	END IF
111	END IF
112	END DO
113	ELSE
114	create a desktop record from the handheld data
115	END IF

The pseudo code in TABLE 3, from column 12, shows that Crozier performs a brute force comparison of records on the handheld and desktop platforms. There is no selection of a synchronization set.

Reconciliation, as Crozier describes the process, is NOT “based on [a] synchronization set” because Crozier does not determine a synchronization set before applying the pseudo code of Table 3.

Reconciliation does not use globally unique identifiers, as the Examiner acknowledges. OA at 12. Instead, Crozier uses a key (col. 11, line 59) or range key (col. 3, lines 39-40 and col. 14, line 19), which is consistent with the sort keys used in merges (even tape to tape merges.)

The Examiner’s reference (OA at 11) to a unique record id in the MAPPING database, taken from col. 8, lines 10-25, relates to mapping records, not to information records. This is clear from FIGS. 9-10. The “record number” for a record in the MAPPING database is described in FIG. 9 as a unique record id. Data from the “record number” field appears in the fourth “Recno” column of FIG. 10. Review of FIG. 10 makes it unmistakable that the record number is used to map field names from the hand held names to the desktop names. Again, Crozier uses a key or range key that reflects data values, not a unique identifier for information records.

The Examiner argues (OA at 12) that Norin discloses a globally unique identifier for an information record at col. 9, lines 64-66. The Examiner is mistaken. Norin’s Globally Unique ID (GUID) names a data set, not an information record. Col. 9, lines 62-65.

Norin goes on to suggest concatenating a GUID with a local counter to form a Fast Unique ID (FUID), but a FUID is not a globally unique identifier for an information record, either. A FUID is used to identify a change made to a data set. Col. 10, lines 10-17. An information record may have zero, one or many changes and an equal number of FUIDs. Different FUIDs may be assigned by different devices to changes in the same information record. The example at the top of column 14 in Norin shows how a FUID correlates with a change, not an information record. Clearly, a FUID is not maintained in a device-independent record map that allows tracing back to a specific information record regardless of on which device the specific information record resides.

As neither reference supplies the globally unique identifier of an information record element, neither does the combination.

Given the deficiencies of the references, it may be overkill to comment on the proposed motivation, which amounts to a statement that Crozier and Norin are in analogous arts. Applicants acknowledge that the Examiner goes on (OA at 12-13) to make some further argument, but we cannot understand the Examiner's single, very long sentence. We request that the Examiner rewrite the further argument, keeping in mind the standard set in *In re Lee* for providing objective evidence of a teaching, suggestion or motivation to combine that is supported by an evidentiary quality citation.

Therefore, claim 1 should be allowable over Crozier in view of Norin.

Claim 2

Claim 2 includes the limitations:

The method of claim 1, wherein each dataset comprises a database table having a plurality of data records.

These limitations are not found in Crozier in view of Norin, because neither of the references use a device-independent record map and globally unique record identifier with database tables.

Therefore, claim 2 should be allowable over Crozier in view of Norin.

Claim 3

Claim 3 includes the limitations:

The method of claim 1, wherein each dataset comprises an electronic address book listing contact information.

These limitations are not found in Crozier in view of Norin, because neither of the references use a device-independent record map and globally unique record identifier with contact information.

Therefore, claim 3 should be allowable over Crozier in view of Norin.

Claim 4

Claim 4 includes the limitations:

The method of claim 1, wherein each dataset comprises an electronic schedule listing scheduling information.

These limitations are not found in Crozier in view of Norin, because neither of the

references use a device-independent record map and globally unique record identifier with scheduling information.

Therefore, claim 4 should be allowable over Crozier in view of Norin.

Claim 5

Claim 5 includes the limitations:

The method of claim 1, wherein said globally unique identifiers are created by the system regardless of whether the source dataset includes existing record identifiers.

These limitations are not found in Crozier in view of Norin. Neither of the references teach using record identifiers or supplementing record identifiers with globally unique identifiers.

Therefore, claim 5 should be allowable over Crozier in view of Norin.

Claim 6

Claim 6 includes the limitations:

The method of claim 5, wherein said globally unique identifiers are maintained in a record map stored apart from the source dataset.

These limitations are not found in Crozier in view of Norin. The Examiner relies on Norin col. 10, line 5-7, which again relates to GUIDs and FUIDs. In the next few lines, col. 10, lines 10-17, Norin explains that a FUID is used for a change number, not for an information record. Nothing in the passage cited describes where the FUID is kept.

Therefore, claim 6 should be allowable over Crozier in view of Norin.

Claim 7

Claim 7 includes the limitations:

The method of claim 1, wherein each said globally unique identifier for each record comprises a timestamp which is assigned to the record when the record is initially processed by the system.

These limitations are not found in Crozier in view of Norin. The timestamp mentioned in Norin is applied to name data sets, not information records. There is no teaching in Norin to use a timestamp as part of a globally unique identifier for an information records assigned when the record is initially processed.

Therefore, claim 7 should be allowable over Crozier in view of Norin.

Claim 8

Claim 8 includes the limitations:

The method of claim 1, wherein each globally unique identifier is a 32-bit value.

These limitations are not found in Crozier in view of Norin. It appears that Crozier's FUIDs are longer than 32 bits.

Therefore, claim 8 should be allowable over Crozier in view of Norin.

Claim 9

Claim 9 includes the limitations:

The method of claim 1, further comprising:

synchronizing the information records of the target dataset with information records of the source dataset by designating the source dataset as the target dataset, designating the target dataset as the source dataset, and repeating said determining step and said synchronizing step.

These limitations are not found in Crozier in view of Norin. Crozier col. 7, lines 56-68, on which the Examiner relies, relate to the structure of a mapping table (e.g., FIGS. 8-9), not to synchronization.

Therefore, claim 9 should be allowable over Crozier in view of Norin.

Claim 10

Claim 10 includes the limitations:

The method of claim 1, wherein said synchronization set comprises a delete order specifying particular information records to delete at the target dataset.

These limitations are not found in Crozier in view of Norin. Crozier Table 1 relates to remapping of fields between data sets. It says nothing about a delete order.

Therefore, claim 10 should be allowable over Crozier in view of Norin.

Claim 11

Claim 11 includes the limitations:

The method of claim 10, wherein said delete order includes a list of globally unique identifiers for particular information records to delete at the target dataset.

These limitations are not found in Crozier in view of Norin. The passages of Crozier on which the Examiner relies say nothing about a delete order including globally unique identifiers of records to delete at the target data set. Generally, column 8 relates to the records in a mapping table, as explained above, not to information records.

Therefore, claim 11 should be allowable over Crozier in view of Norin.

Claim 12

Claim 12 includes the limitations:

The method of claim 1, wherein said synchronization set comprises an extraction record specifying particular information to add to or modify at the target dataset.

These limitations are not found in Crozier in view of Norin. Crozier col. 7, lines 45-54, on which the Examiner relies, relates to the building a mapping table (e.g., FIGS. 8-9), not to synchronization sets or extraction records.

Therefore, claim 12 should be allowable over Crozier in view of Norin.

Claim 13

Claim 13 includes the limitations:

The method of claim 12, wherein said extraction record includes at least one globally unique identifier together with field information for the particular information to add to or modify at the target dataset.

These limitations are not found in Crozier in view of Norin. The passage from Crozier col. 8, lines 10-31, on which the Examiner relies, relates to mapping of fields between data sets. It says nothing about an extraction record.

Therefore, claim 13 should be allowable over Crozier in view of Norin.

Claim 14

Claim 14 includes the limitations:

The method of claim 1, further comprising:

excluding certain information records from participating in synchronization by applying a user-defined filter.

These limitations are not found in Crozier in view of Norin. In the pseudo code of Table 3, on which the Examiner relies, it is clear that no user-defined filter is applied to exclude records from synchronization.

Therefore, claim 14 should be allowable over Crozier in view of Norin.

Claims 15-16

Claims 15-16 include the limitations:

The method of claim 14, wherein said user-defined filter comprises an outbound filter applied to information records prior to creation of the synchronization set.

* * *

The method of claim 14, wherein said user-defined filter comprises an inbound filter applied to information records after creation of the synchronization set.

These limitations are not found in Crozier in view of Norin. The passage on which the Examiner relies has nothing to do with these limitations. Crozier col. 14, lines 1-5 discusses a programming style of running the schedule application as a slave of the schedule reconciliation program, which has nothing to do with the claimed limitations.

Therefore, claims 15-16 should be allowable over Crozier in view of Norin.

Claim 17

Claim 17 includes the limitations:

The method of claim 14, wherein said user-defined filter comprises a user-supplied filtering routine supplying filtering logic.

These limitations are not found in Crozier in view of Norin. Again, the passage on which the Examiner relies has nothing to do with these limitations. Crozier col. 14, lines 1-17 discusses a programming style of running the schedule application as a slave of the schedule reconciliation program and a method of dealing with repeating events, neither of which have anything to do with the claimed limitations.

Therefore, claim 17 should be allowable over Crozier in view of Norin.

Claims 18-20

Claims 18-20 should be allowable over Crozier in view of Norin for at least the same reasons as claim 1, from which they depend.

Claim 21

Claim 21 includes the limitations:

A synchronization system comprising:

means for connecting a first device having a first dataset to a second device having a second dataset;

means for determining information of said first and second datasets which requires synchronization, said means including:

(i) means for determining for each dataset information which has been previously received from the other dataset but which no longer exists at the other dataset, and

(ii) means for determining for each dataset information which has been added or modified at the other dataset since the other dataset was last synchronized with said each dataset; and

means, responsive to said determining means, for synchronizing said first and second datasets;

wherein said information of said first and second datasets comprises data records and wherein said means for determining include means for assigning to each data record a device-independent globally unique identifier created by the system for uniquely identifying each data record regardless of which dataset and device it appears.

These limitations are not found in Crozier in view of Norin.

To the extent that the means of claim 21 overlap with the limitations of claim 1, we have responded above to the Examiner's arguments. However, rejecting a means-plus-function claim requires more of the Examiner.

The Examiner has not made out a *prima facie* case, because he omitted the required step of identifying means in the specification that correspond to the claim limitation. He also omitted comparing structural elements identified from the specification to structural elements of the references.

Therefore, claim 21 should be allowable over Crozier in view of Norin.

Claims 22-24

Claims 22-24 should be allowable over Crozier in view of Norin for at least the same reasons as claim 21, from which they depend.

Claim 25

Claim 25 includes the limitations:

The system of claim 21, wherein said means for synchronizing operates to provide bi-directional synchronization of the datasets.

These limitations are not found in Crozier in view of Norin. The passage from Crozier cited by the Examiner refers to bi-directional mappings, not bi-directional synchronization. The pseudo code does not provide bi-directional synchronization, including identification of deleted records, which are referred to in these claims.

Therefore, claim 25 should be allowable over Crozier in view of Norin.

Claim 27

Claim 27 includes the limitations:

The system of claim 21, further comprising:

filter means for selectively blocking synchronization of certain types of information.

These limitations are not found in Crozier in view of Norin for at least the same reasons as claim 21 and the reasons given for claims 14-17, which concern filtering..

Therefore, claim 27 should be allowable over Crozier in view of Norin.

Claim 28

Claim 28 includes the limitations:

The system of claim 27, wherein said filter means operates based on how old information is.

These limitations are not found in Crozier in view of Norin.

Therefore, claim 28 should be allowable over Crozier in view of Norin for at least the same reasons as claim 21 and the reasons given for claims 14-17, which concern filtering.

Claim 29

Claim 29 includes the limitations:

The system of claim 27, wherein said filter means operates based on particular information content.

These limitations are not found in Crozier in view of Norin.

Therefore, claim 29 should be allowable over Crozier in view of Norin for at least the same reasons as claim 21 and the reasons given for claims 14-17, which concern filtering.

Claim 30

Claim 30 should be allowable over Crozier in view of Norin for at least the same reasons as the claim from which it depends.

Applicants respectfully submit that claims 1-25 and 27-30 should be allowable over Crozier in view of Norin.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,

Dated: January 2, 2007

/Ernest J. Beffel, Jr./

Ernest J. Beffel, Jr.

Registration No. 43,489

Haynes Beffel & Wolfeld LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263